

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

ZEFFIE CHILDREY,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:14cv616-MHT
)	(WO)
CGI TECHNOLOGIES AND)	
SOLUTIONS,)	
)	
Defendant.)	

ORDER

After an independent and de novo review of the record, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) Plaintiff's objections (doc. no. 115) are overruled.

(2) The recommendation of the United States Magistrate Judge (doc. no. 112) is adopted.

(3) Defendant's motion for summary judgment (doc. no. 90) is granted. Judgment is entered in favor of defendant and against plaintiff in all respects except for the claim described below.

It appears that defendant and the magistrate judge have overlooked a claim asserted by plaintiff, viz., that defendant transferred plaintiff in October 2012 to work under the authority of Benjamin McCall and others, and that this act constituted retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2 et seq. See Am. Compl. (doc. no. 47) ¶ 21(d). Rather, defendant and the magistrate judge appear to address only plaintiff's claim that defendant's failure to transfer her promptly away from that new assignment constituted retaliation. See Report & Recommendation (doc. no. 112) at 24-25. While plaintiff, who is pro se, does not, in her objection to the magistrate judge's recommendation, "formally" make this distinction, she does recite the facts underlying the October 12 retaliation claim. Therefore, plaintiff's retaliation claim regarding her October 2012 transfer--which may or may not have merit--remains for resolution on a renewed motion for summary judgment or otherwise.

This case is referred back to the magistrate judge
for further appropriate proceedings.

DONE, this the 29th day of September, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE